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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92046796
Party	Defendant eSpeedient Systems, LLC
Correspondence Address	MELISSA S. DILLENBECK DRINKER BIDDLE GARDNER CARTON 191 N. WACKER DRIVE, SUITE 3700 CHICAGO, IL 60606-1459 UNITED STATES richard.young@dbr.com
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Date	08/20/2007
Attachments	ESS001USAp1.tif ( 1 page )(36508 bytes ) ESS001USAp2.tif ( 1 page )(20794 bytes ) ESS001USAp3.tif ( 1 page )(11224 bytes )

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ESPEED, INC.	)
Petitioner,	)
v.	) Cancellation No. 92046796
ESPEEDIENT SYSTEMS, LLC	)
Registrant.	)

## ESPEDIENT SYSTEMS' RESPONSE TO PETITIONER'S MOTION FOR LEAVE TO AMEND PETITION TO CANCEL

Registrant eSpeedient Systems, LLC ("eSpeedient Systems") submits this response to Petitioner eSpeed, Inc.'s ("Petitioner") Motion for Leave to Amend Petition to Cancel.

By its motion, Petitioner seeks to further delay this proceeding and avoid any actual resolution. Petitioner has successfully delayed during every phase of this action. It delayed two years in filing its Petition to Cancel and has already extended the discovery period. With the present motion, Petitioner seeks to have the date extended yet again. Petitioner has similarly delayed in bringing this motion. Petitioner is a massive organization with vast resources and excellent legal representation. Petitioner and its lawyers have had ample time to prepare its position and assert its claims. There is no reason why Petitioner could not have included the presently asserted amended allegations in its initial Petition to Cancel. Petitioner appears intent on delaying this proceeding.

The allegations of Petitioner in its original Petition to Cancel were baseless and its present motion to amend seeks to add similarly baseless allegations. Petitioner's assertion of a growing list of baseless claims appears designed not to reach a determination on the merits, but

to delay the proceeding in an attempt to avoid a determination on the merits. The present motion is another attempt at such a delay.

eSpeedient Systems denies the allegations contained in Petitioner's Brief and its

Amended Petition to Cancel, and will vigorously defend itself against those allegations.

eSpeedient Systems wishes for a prompt and timely resolution to this proceeding, without any further unwarranted and unnecessary delays.

Dated: August 20, 2007

Respectfully submitted,

espeedient systems, llc

Richard W. Young Melissa S. Dillembeck

David J. Moorhead

DRINKER BIDDLE GARDNER CARTON

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Attorneys for eSpeedient Systems, LLC

## **CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing ESPEEDIENT SYSTEMS' RESPONSE TO PETITIONER'S MOTION FOR LEAVE TO AMEND PETITION TO CANCEL was served on Petitioner this 20<sup>th</sup> day of August, 2007, by overnight courier, addressed to:

Georges Nahitchevansky Kilpatrick Stockton LLP 31 W. 52<sup>nd</sup> Street New York, NY 10019

Linda Peacent

CH02/22495275.2